

Art Unit: 3688

Detailed Action

Specification

Claim Status

Claims 1-9 and 13 are still pending in the Application.

General Comments

In general, “skin” (the look and feel) as recited in the claims may be interpreted as a logo, an ad or a promotion on behalf of the sponsor.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 and its dependent claims are rejected under 35 USC 112, second paragraph as being indefinite for reciting the auxiliary verb “may”, which involves a level of uncertainty therein.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Alles, US Patent 6, 425, 010.

As per claims 1-9 and 13, Alles discloses a system for providing an Internet Access Provider or ISP (IAP) with a simple mechanism or means to steer users to given **Internet services, such as (free) Web pages (applications), of sponsors**. The mechanism allows a sponsor to grant a **dial-in user unlimited (free) access to the Internet after the user has first accessed its Internet services**. The system is thus important for any IAP or ISP that wants to receive income from sponsors by steering or directing **Internet users to the sponsors' services**. In the ultimate case, an IAP could receive all its income from sponsors and thus be able to offer the **Internet access for free to the user (revenues received from the advertisers or sponsors are used to provide free Internet access to the user(s))**. Here, and in general, a user is steered to the Internet services of a sponsor based on the sponsor's specific called telephone number or a sponsor specific login name. It is herein understood that the IAP steers users to given **Internet services, such as a plurality or a menu of (free) Web pages (applications), of sponsors, wherein a list (menu) of sponsors, associated with the Internet services, or at least their phone numbers or login names is also provided or available and the user selects one of the provided phone numbers to indicate that he desires to receive (free) Internet services (free web pages) from a specific sponsor** (At times, Applications and services may be used interchangeably as paragraph [0009] of the specification seems to suggest). See abstract; col. 1: 29-38; col. 1: 45-46.

A party that provides services on the Internet makes a sponsoring agreement with an IAP or ISP. The sponsor and the IAP agree on how users identify themselves as customers of the

Art Unit: 3688

sponsor when accessing the Internet and which services, **from a list**, the users are allowed to access before they are granted unlimited Internet access (col. 1: 66 to col. 2: 4).

The services that the customers of the selected sponsor are allowed to access before they are granted unlimited Internet access (free service) can be identified by IP addresses of the servers where the services reside. If needed, the IP addresses can be further augmented by TCP or UDP port numbers that identify individual applications within the servers the users can access (col. 2: 13-18).

Once the method of sponsor identification and the list (menu) of services has been agreed on, the information is stored in a central database that can be queried by the network devices of the IAP. Alternatively, the information is distributed to all relevant network devices of the IAP (col. 2: 20-23).

The sponsor advertises to the public or users its willingness to sponsor (subsidized or free) Internet access in return for reading the sponsor's advertisements. The advertisements include the Internet access telephone number(s) and, if needed, a login name that the users need to use in order to exploit the sponsor's offer (col. 2: 25-29).

The access list (menu) contains the IP address of the user's terminal device and the IP address (es) of the server(s) that the user is allowed to access by the sponsor before unlimited free Internet access is granted to the user. If the set of applications (free services such as web pages) is restricted, the allowed or denied services can be identified by their TCP or UDP port numbers. The access list (menu) forces the user to first access only the services of the sponsor before the user can access anything else on the Internet **in an unlimited manner**. If the sponsor's

Art Unit: 3688

services are Web based, then this gives the user an incentive to configure **a home page of the sponsor (look and feel or skin of the selected sponsor) as the user's starting Web page (opening web page)**. At this point the user is thus able to only access the Internet services of the **selected** sponsor. The sponsor can exploit the situation by various ways. For example, the sponsor can make the user register and/or login on the sponsor's home page before granting the user unlimited access to the Internet. In another example, the sponsor may simply ask the user to visit some of the sponsor's Web pages as the **precondition** of unlimited access to the Internet (displaying a menu of free services along with the corresponding sponsors' names and receiving a selection of a sponsor from a user and allowing the user to choose one service, such a web page (application), from the selected sponsor's displayed services before the user is granted unlimited access to the Internet- Col. 2: 65 to col. 3: 19; col. 3: 53-57; see claims 2, 3 and 7 of the present reference).

It is further understood that an ISP in conjunction with the sponsor provides free Internet access (free service) to a user and enables the user during a registration or sign-up process to setup a username and a password, wherein the username becomes part of the user's e-mail address at the ISP (IAP) and wherein the ISP assigns by default a certain amount of free disk space to the user to store the user's incoming e-mail data.

In short, with respect to at least claim 1, Alles discloses, inter alia, a system as featured in fig. 1 for steering an Internet user to given sponsor services. In fact, the user is presented with a list or a menu comprising two or more such as sponsor1 and sponsor2 offering a plurality of services and unlimited Internet access or free Internet access (or free services since each sponsor offers/sponsors free Internet service individually) (fig. 1; col. 1:

Art Unit: 3688

56-60). Upon selecting a sponsor from the list, the user automatically selects an associated service or unlimited Internet access (Free Internet service) (col. 2: 25-29). When the user selects a sponsor (and a sponsor's free service), the user must first be exposed to the sponsor's message(s) (i.e. sponsor's services) or sponsor's skin by visiting the sponsor's site before the user can receive the unlimited (free) Internet access as advertised or promised by the sponsor/advertiser for the current Internet session (col. 1: 66 to col. 2: 4). Upon verifying that the user has successfully visited and viewed the selected sponsor's services (advertising messages or sponsor's skin), the sponsor or the system sends a signal back down to the ISP or IAP (Internet Access Provider) to let the user browse the Internet for free or to provide (temporary) unlimited Internet Access or the promised free service to the user (for the current session). In addition, if the selected sponsor's services are web based, then the system is operable to configure a home page of the sponsor (sponsor's skin) as the user's starting web page (personal web page) and the user's first web request or a request to access the Net/Internet is converted or interpreted as a request to access the sponsor's home page (sponsor's skin) where the user will be exposed to the selected sponsor's services before he can access any other area of the Internet for free (or before he can access the free service) (col. 3: 3-10). The latter repeats itself each time the user wants to access the Net and enjoys unlimited Internet access or free Internet service via the IAP system. In other words, whenever the user wants to access the Internet, he launches the local sponsor's page (sponsor's skin) before he can receive the free Internet service selected in conjunction with the sponsor (i.e. providing the user with a web interface, which includes an interface to the

Art Unit: 3688

free service and an interface to the sponsor's services or skin or advertising messages.....)
(col. 3: 11-25; col. 3: 53-57).

Response to Applicant's Arguments

Applicant's arguments with respect to the claimed invention have been considered, but are moot in view of new grounds of rejection. In other words, the Applicant's arguments are fully addressed in the above Office Action.

Conclusion

Although the following references were not officially used in the Office Action, they were considered as relevant prior art. Applicants are further directed to review these references.

USP 6,463,468 to Buch discloses a system that provides a user with free Internet network access, in which an access control system sends video advertising files to a user who gains access to the Internet through a network connection that includes a viewer program that operates independently of the user's browser and e-mail programs. The viewer receives ads from the access control system and manages an ad pool that collects multiple video advertising files. Video advertising files are downloaded when the user is not actively using the bandwidth of the Internet connection to download Internet content of the user's choosing. The viewer program periodically opens a viewer window, which opens on top of any other open windows, and in which a video ad from the ad pool is displayed. When one or more video ads are finished, the viewer window is hidden or made an inactive window for a quiet interval. At the conclusion of the quiet interval, the viewer widow is activated and the next ad in the ad pool is displayed. The viewer program cycles through existing ads in the ad pool until a new ad is received from the access server. The viewer

Art Unit: 3688

program manages the ad pool such that the oldest ad is discarded when a new ad is received, and such that each ad is displayed or viewed in order of download for the average time it takes to download an ad in the ad pool. This ensures that ad viewing can continuously cycle through the ad pool with the minimum of repetition, and with no interruption to the user's Internet experience (See abstract).

USP 6, 920, 606B1 to Jablonski discloses an interactive system and method for providing wallpaper or screen saver images for display on the background of a personal computer visual display. Wallpaper (or screen saver) images may be conveniently located by a consumer and downloaded from a wallpaper web site for use on the desktop of the consumer's personal computer. A clickable icon is incorporated into the wallpaper image or overlaid on the wallpaper image. When the icon is clicked on using a mouse, or otherwise activated by the consumer, the consumer's personal computer is automatically connected to a predetermined location on the Internet. Furthermore, sponsors may market their goods or services to consumers by paying a fee to have their clickable icons or advertisements incorporated into or overlaid on the wallpaper images. By clicking on the clickable icons or advertisements, the consumer is automatically connected to the sponsor's web site. In addition, a number of web sites may be affiliated with the wallpaper site, and consumers who subscribe to the wallpaper site may be able to conveniently purchase products or services from these affiliated sites by merely clicking on one or more pop-up buttons, or the like, after necessary consumer information has been given to the wallpaper web site (See abstract).

Art Unit: 3688

USP 6, 216, 112B1 to Fuller discloses, among other things, a system for periodically communicating a plurality of parameters, such the application software usage records by the user, by an application software to a remote device or remote server or the computer server, wherein this communicating is performed by a local browser plug-in running on the user's PC whenever the user logs into the Internet and wherein this usage information is used to update or refresh the application software or advertisements using a hook originally encoded within the application software and/or to properly compensate developers or authors of the application software (See abstract; col. 2: 39-43; col. 2: 50-67; col. 3: 46-56; col. 5: 1-4).

USP 6,141,010 to Hoyle discloses a method and apparatus for providing an automatically upgradeable software application that includes targeted advertising based upon demographics and user interaction with the computer. The software application is a graphical user interface that includes a display region used for banner advertising that is downloaded from time to time over a network such as the Internet. The software application is accessible from a server via the Internet and demographic information on the user is acquired by the server and used for determining what banner advertising will be sent to the user. The software application further targets the advertisements in response to normal user interaction, or use, of the computer. Associated with each banner advertisement is a set of data that is used by the software application in determining when a particular banner is to be displayed. This includes the specification of certain programs that the user may have so that, when the user runs the program (such as a spreadsheet program), an advertisement will be displayed that is relevant to that program (such as an advertisement for a stock brokerage). This provides two-tiered, real-time targeting of advertising--both demographically and reactively. The software application includes programming that accesses

Art Unit: 3688

the server on occasion to determine if one or more components of the application need upgrading to a newer version. If so, the components are downloaded and installed without requiring any input or action by the user.

US Patent 5,959,621A to Nawaz

US Patent 6,148, 332A to Brewer et al.

US Patent 6,237,039B1 to Perlman

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (703) 308-6287). The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (703) 305- 8469.

For information on the status of your case, please call the help desk at (703) 308-1113. Further, the following fax numbers can be used, if need be, by the Applicant(s):

After Final- 703-872-9327

Before Final -703-872-9326

Non-Official Draft- 703-746-7240

Customer Service- 703-872-9325

Please provide support, that is page and line numbers, for any amended or new claim in an effort to help advance prosecution.

10/26/08

/J. J./

/Jean Janvier/

Application/Control Number: 09/769,514

Page 11

Art Unit: 3688

Primary Examiner, Art Unit 3688